IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.503 OF 2005

Reliance Industries Ltd. ..Petitioners.

Vs.

Damu Goga Jagtap & Ors. ..Respondents.

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Mr.Milind Sathe with Mr.Chirag Balsara i/b
M/s.A.S.Dayal & Associates for the Petitioners.
Mr.R.V.More for Respondent Nos.1 and 3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

20th July, 2005.

P.C. :

An order of injunction was granted by the Civil Judge, Junior Division, Igatpuri on 7th May, 2004 by which the Petitioner who is the First Defendant in the suit was directed to refrain from obstructing the right of Respondents 1 to 3 who are the Original Plaintiffs to use the North South Road pending the hearing and final disposal of the suit. The order of the Trial Court has been confirmed in appeal by the Additional District Judge, Nasik on

15th July, 2004. The interim injunction has now held the field for over one year. The learned Trial Judge has noted prima facie while disposing of the application for interim relief that there was no alternative road or pathway available to the Plaintiffs in the North South Direction. The First Appellate Court has also noted that the lay out plans do show the existence of a road. At this interim stage, the interference of this Court under Article 227 is not warranted. However, reading the order of the learned Trial Judge as it stands, it is clear that the Petitioners have not been restrained from carrying out development on the plot of land in dispute. While the Petitioners are at liberty to do so, development should not take place in a manner that would involve a breach of the injunction that has been issued by the Trial Court. In the circumstances, this Petition is disposed of with a clarification that while it would be open to the Petitioners to continue the work of development stated in the present case to be for use of the land as a petrol pump this shall be subject to due compliance with the order of the Trial Court. The Trial Court is requested to expedite the disposal of the suit and to endeavour

to do so by 31st December, 2005. The Petition is accordingly disposed of.